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EXAMINER

SHIBRU, HELEN

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/933,788
Filing Date: August 21, 2001
Appellant(s): KAHLMAN ET AL.

Edward W. Goodman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/07/2007 appealing from the Office action mailed 09/18/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

6,892,024	Shimizu	05-2005
5,327,213	Blake	07-1994
EP 0 996 124	Ono	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-7, 9-14, 16-19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (EP 0 996 124 A1) in view of O'Connor (US Pat. No. 5,790,489) and further in view of Shimizu (US Pat. No. 6,892,024).

Regarding claim 1, Ono discloses a record carrier (see fig. 3 disk (1)) having a first area (see fig. 3 recording medium (2)) for storing information (see col. 6 lines 41-46 and col. 7 lines 26-36), and a second area (see fig. 3 memory (3), receiver (10), transmitter (11)), the second area comprising an integrated circuit (see col. 6 lines 41-46 and col. 7 lines 30-32)), characterized in that the integrated circuit comprises, integrated therein transmitting means (see fig. 3 communication circuit) for transmitting additional information (see col. 6 line 41-col. 7 line 3, col. 10 lines 11-16 and line 56-col. 11 line 10 the transmitter (29) and transmitter receiver in addition to the main information); and receiving means (see fig. 3 transmitter receiver (30) and power supply circuit (28)) for receiving a power supply signal for supplying power to the integrated circuit (see col. 7 lines 4-15, lines 48-54, col. 10 lines 16-21 and line 56-col. 11 line 11 and col. 11 lines 32-57), the integrated circuit comprises means for generating a first communication channel operating a first frequency, and means generating a second

communication channel operating second frequency, the first frequency being substantially unequal to the second frequency (see col. 7 lines 55-col. 8 line 58 and fig. 4 and 5).

Claim 1 differs from Ono in that the claim further requires the receiving means comprising a light-sensitive sensor, for example, a photodiode.

In the same field of endeavor O'Connor teaches a compact disk include a processor and a transmission element under control of the processor. O'Connor further discloses a track (200 in fig. 2) can be placed in to the hub area of the CD (see fig. 1 hub (103) and the track includes a processor, a photosensitive charging array, charge storage element and transmission element (see col. 2 lines 48-67). O'Connor further discloses a laser diode (see fig. 3 laser diode (301) emits a beam which passes through beam splitter (see col. 3 lines 21-25), and the read beam may used to charge the charging array (see col. 3 lines 25-34). O'Connor further discloses an information signal which is one of a decryption key and a filter key (see claim 14). O'Connor further discloses the information signal can be retrieved by timing the existence of charging the current coming from the charging array (see col. 5 lines 38-55). O'Connor further discloses the CD cannot be duplicated in normal fashion as the copy will not have the hardware required to deliver the decryption key (see col. 5 line 65-col. 6 line 9). Therefore in light of the teaching in O'Connor it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ono by providing a light sensitive sensor in order to protect copy.

Claim 1 differs from Ono, as modified by O'Connor, in that the claim further requires generating second signal simultaneously with first signal.

In the same field of endeavor Shimizu discloses an information recording apparatus includes a transferring device that separately and simultaneously receives a first and second data

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supplied through a first channel and a second channel, and simultaneously transfers first and second data streams to a storing device (see claims 3, 6, and 8). Shimizu further discloses the optical pick up 22 is for irradiating a light beam to the DVD so as to record RNZI. The optical pick up 22 also converts the light beam reflected by the DVD in to an electric signal (see col. 6 lines 40-45 and figure 1). Therefore in light of the teaching in Shimizu and O'Connor it would have been obvious to modify Ono by generating second channel simultaneously with first channel in order to store two information into the storing device.

Regarding claim 2, Ono discloses the receiving means are also adapted to receive additional information (see col. 6 lines 41-46, col. 7 lines 26-36 and col. 10 lines 11-21).

Regarding claim 3, Ono discloses the integrated circuits contactlessly readable (see fig. 2 and col. 5 line 41-col. 7 line 9).

Claim 5 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 6, Ono discloses the integrated circuit comprises a memory in which the additional information is stored (see col. 6 lines 41-58).

Regarding claim 7, Ono discloses the record carrier is a pre-recorded record carrier (see col. 1 lines 53-57 and col. 7 lines 26-32).

Method claims 9-10 are rejected for the same reason as discussed in the apparatus claims 1-2 respectively.

Regarding claims 11, 12, and 19 the limitations of claims 11, 12, and 19 can be found in apparatus claim 1. Therefore claims 11, 12, and 19 are analyzed and rejected for the same reason as discussed in claim 1 above.

Claims 13-14 are rejected for the same reasons as discussed in claims 1, and 2-3.

Claim 16 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 17, Ono discloses the first communication channel is adapted for supplying power to the integrated circuit and for data transmission (see col. 8 lines 19-40).

Claim 18 is rejected for the same reason as discussed in claim 5 above.

Claim 21, 22, and 23 are rejected for the same reason as discussed in claim 1 above.

Claim 24 is rejected for the same reason as discussed in claim 2 above.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ono (EP 0 996 124 A1) in view of O'Connor (US Pat. No. 5,790,489) and further in view of Shimizu and Blake (US Pat. No. 5,327,213).

Regarding claim 8, Ono discloses depending on the band of the signals transmitted to the electromagnetic coupling for control information transfer and power supply. Ono further discloses in the case of setting a lower transmission band it is necessary to have a larger inductance. O'Connor also discloses if LED used, which require more power, the diode will emit a beam with a wavelength close to or exactly the wavelength of the read beam (see col. 5 lines 10-23 of O'Connor). Shimizu discloses an information recording apparatus includes a transferring device that separately and simultaneously receives a first and second data supplied through a first channel and a second channel, and simultaneously transfers first and second data streams to a storing device.

In the same field of endeavor Blake discloses two couplings an electromagnetic coupling and optical coupling wherein the optical coupling is provided by end of coiled optical fiber (see claims 1, 2, and 9).

Therefore in light of the teaching in Blake it would have been obvious to further modify Ono, Shimizu, and O'Connor at the time the invention was made to transmit two channel signals by providing the coupling technique in order to control errors.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., optical disc) are not recited in the rejected claim(s). Claim 1 fails to recite that the invention is related to an optical disk, and fiber optic does carry signals as well. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(10) Response to Argument

Appellant states "The channels in Shimizu et al. are not communication channels."

In response the Examiner respectfully disagrees. The phrase 'communication channel' is broad and read on the element of the cited reference. If streams of files or information are sent through channels or paths, communication is generated through the channels. No two channels have same frequencies, and since the frequencies are different, one should be bigger than the other. Shimizu discloses two data streams are supplied through two channels, i.e. information is transmitted through the channels from one terminal to another. Shimizu further discloses the transferring device separately and simultaneously transfers the two data streams to a storing device at different transfer rates. Therefore the two data streams in the two channels (two frequencies) have two different transfer rates. See claims 3, 6 and 8, and col. 4 lines 10-19, col. 6 lines 40-45.

Therefore Shimizu's channels are in fact communication channels with two different frequencies.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant states that Blake et al has nothing to do with compact discs and should not be combined with the other two prior arts.

In response the Examiner respectfully disagrees. Both fiber optics and optical disc carries information signals, audio and video, and claim 8 recites the first frequency (channel) is in an optical frequency range and the second frequency is in a radio frequency range. Blake discloses the first coupling comprises an optical path (channel) and the second coupling comprises electromagnetic transmission path (channel) (see claims 1, 2 and 9). Therefore transmitting information signals using optical frequency and radio frequency is well known at the time the invention was made, and the two information carriers carries audio and video signals.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Helen Shibru

July 6, 2007

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